

REMARKS

The Official Action of March 12, 2003 has been carefully considered and reconsideration of the application as amended is respectfully requested.

The Examiner has objected to the disclosure at page 6, line 25, because it is allegedly unclear how the described lower limit can be 0.5. Applicant respectfully calls the Examiner's attention to the fact that the range of 0.5 to 10 is, as described in the specification at page 6, line 22-24, a number **average** of a mixture of compounds represented in the formula. Since the ink composition may contain a mixture of the compounds of formula (I) and each of the compounds can be zero, the number average of the mixture can be less than 1 and can be other than a natural number.

The claims have been amended to remove the bases for the claim objections on page 2 of the Official Action. Specifically, claims 20 and 21 have been amended to place them into proper dependent form. Applicant respectfully notes that claim 21 is a product by process claim which is in proper form (see MPEP Section 2173.05(p)). New claims 22 and 23 have been added more completely to define the subject matter which Applicant regards as his invention.

Claims 1 and 14 have been rejected under 35 USC 112, second paragraph, as allegedly being indefinite. Claim 14 has been amended to correct an inadvertent clerical error which occurred in a previous amendment so that the subject ratio now

corresponds with the ratio in original claim 14.

Applicant respectfully traverses the rejection to claim 1. The claim recites that the claimed range is a number average of a mixture of the recited compounds and the number average can thus be 0.5, as discussed above. All claims as amended are respectfully believed to be sufficiently definite to satisfy the dictates of 35 USC 112, second paragraph.

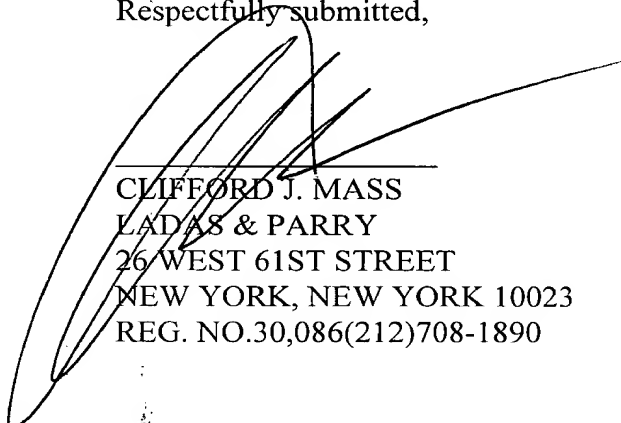
The claims stand rejected under 35 USC 103(a) as allegedly being unpatentable over Taniguchi or over Hickman et al in view of Taniguchi or, with respect to claim 4, over Hickman et al in view of Taniguchi and further in view of Rehman. Applicant respectfully traverses these rejections.

All of the rejections rely on Taniguchi, US Patent 6,432,186, which has an issue date of August 13, 2002 and is thus citable in a 103 rejection against the present application, if at all, under the provisions of 35 USC 103 via 35 USC 102(e). Nevertheless, effective November 29, 1999, subject matter which was prior art under former 35 USC 103 via 35 USC 102(e) is disqualified as prior art against the claimed invention if that subject matter and the claimed invention were, at the time the invention was made, owned by the same party (see MPEP Section 706.02(l)(1)). Pursuant to the provisions of MPEP Section 706.02(l)(2), the undersigned hereby states on behalf of Applicant:

**THE PRESENT APPLICATION AND TANIGUCHI US PATENT 6,432,186
WERE, AT THE TIME THE INVENTION IN THE PRESENT APPLICATION
WAS MADE, OWNED BY SEIKO EPSON CORPORATION.**

In view of the common ownership, it is respectfully submitted that Taniguchi is disqualified as a reference against the claims of the present application such that all prior art rejections of record should be withdrawn. Accordingly, and since all objections and rejections of record are believed to have been successfully traversed, the application is believed to be in allowable form. An early notice of allowance is earnestly solicited and is believed to be fully warranted.

Respectfully submitted,



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